

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Investigation on the Commission's Own Motion into the Operations and Practices of the Conlin-Strawberry Water Co. Inc. (U-177-W), and its Owner/Operator, Danny T. Conlin; Notice of Opportunity for Hearing; and Order to Show Cause Why the Commission Should Not Petition the Superior Court for a Receiver to Assume Possession and Operation of the Conlin-Strawberry Water Co. Inc. pursuant to the California Public Utilities Code Section 855.

Investigation 03-10-038  
(Filed October 16, 2003)

**ADMINISTRATIVE LAW JUDGE'S RULING  
REOPENING RECORD, GRANTING RESPONDENT'S MOTION IN PART,  
AND LODGING AMENDED FINAL EXHIBIT INDEX**

Respondent Conlin-Strawberry Water Company has moved the admission into evidence of a late-filed exhibit, titled "Declaration of James Pingree," dated May 3, 2005. The Water Division opposes the motion for the reasons of untimeliness, irrelevance, and hearsay.

The declaration does provide the company's perspective on Exhibit 123, the Department of Health Services' Notice of Violations for Haloacetic Acid Maximum Contaminant Level, TOC Removal Treatment Technique and TOC Monitoring Requirements (Jan. 28, 2005), of which I took official notice on March 21, 2005. However, paragraphs 8 and 9 of the declaration are irrelevant because they pertain to the Pinecrest Permittee Association, whose compliance is not at issue in this proceeding.

Also, paragraph 10 is hearsay since it describes the content of an e-mail to declarant.

**IT IS RULED** as follows:

1. The record in this proceeding is reopened for the purpose of considering late-filed evidence.
2. James Pingree's Declaration of May 3, 2005, is marked for identification as Exhibit No. 511.
3. With the exception of paragraphs 8-10, Exhibit 511 is admitted into evidence.
4. The Amended Final Exhibit Index for the evidentiary hearing, Attachment A, is hereby lodged with the record in this proceeding.

Dated May 26, 2005, at San Francisco, California.

/s/ JOHN E. THORSON

John E. Thorson  
Administrative Law Judge

**ATTACHMENT A**  
**California Public Utilities Commission**  
**Amended Final Exhibit Index**  
**Proceeding No. I.03-10-038**  
**Inclusive Dates: 5/11/04 to 5/24/05**  
**ALJ John E. Thorson**  
**Presiding**

EX No.	PARTY OFFERING	WITNESS	DESCRIPTION	DATE	
				IDENTIFIED	RECEIVED
1	Water Division	W. Rugg	Declaration of W. Rugg (4/6/04) with para. 9 crossed out	5/11/04	5/11/04 (S)
2	Water Division	W. Rugg	SPOA Minutes: 7/5/03, 5/25/02, 9/1/01, 7/1/00, 7/3/99, 7/4/98, 6/6/96	5/11/04	5/11/04 (S)
3	Water Division	W. Rugg	SPOA Letter to L. Lynch, 8/21/02 w/ attached ratepayer letters	5/11/04	5/11/04 (S)
4	Water Division	W. Rugg	Complaint, SPOA v. CSWC, 7/17/01 w/ attached petition signed by ratepayers	5/11/04	5/11/04 (S)
5	Water Division	W. Rugg	SPOA letter to Commission, 9/7/01	5/11/04	5/11/04 (S)
6	Water Division	W. Rugg	W. Rugg letter to K. Evans, 5/21/98	5/11/04	5/11/04 (S)
7	Water Division	W. Rugg	W. Rugg Statement, undated and entitled, "What's Wrong with CWCS? A Bit of History and Perspective"	5/11/04	5/11/04 (S)
8	Water Division	W. Rugg	October 26, 1998, SPOA Water Update	5/11/04	Not admitted
9	Withdrawn	Withdrawn	Withdrawn	Withdrawn	Withdrawn
10	Water Division	W. Rugg	116 Ratepayer postcards	5/11/04	Not admitted

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Ex No.	PARTY OFFERING	WITNESS	DESCRIPTION	DATE	
				IDENTIFIED	RECEIVED
11	Water Division	W. Rugg	Water Update	5/11/04	Not admitted
12	Water Division	W. Rugg	Water Update	5/11/04	Not admitted
13	Water Division	W. Rugg	Email to Rugg, Jan. 21, 2003 (numbered page 3 only)	5/11/04	5/11/04 (S)
14	Water Division	W. Rugg	Water Report, 2000-2001	5/11/04	6/24/04
15	Water Division	W. Rugg	2004 Water Report	5/11/04	6/24/04
16	Water Division	W. Rugg	Excerpt, Status of Required System Improvements	5/11/04	Withdrawn*
	*All references in record to Ex. No. 16 are deemed to be reference to Ex. No. 21, pp. 19-40				
17	Water Division	W. Rugg	Inspection of the Conlin-Strawberry Water Co.	5/11/04	5/25/04
18	Water Division	W. Rugg	Conlin Letter to Board of Directors	5/11/04	5/11/04 (S)
19	Water Division	Stipulation	Billing Register	5/20/04	5/25/04 (S)
20	Water Division	Stipulation	Daily Receipts Allocation	5/20/04	5/25/04 (S)
21	Water Division	Stipulation	Order Instituting Investigation	5/20/04	5/25/04 (S)

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Ex No.	PARTY OFFERING	WITNESS	DESCRIPTION	DATE	
				IDENTIFIED	RECEIVED
22	Water Division	Evans	Supplemental Testimony of Kerrie Evans	5/20/04	5/25/04
23	Water Division	Evans	Letter to J. Gray (10/28/96)	5/20/04	5/25/04
24	Water Division	Evans	Letter to Danny Conlin (11/19/96)	5/20/04	6/24/04 (S)
25	Water Division	Evans	Declaration of Kerrie Evans (3/5/04)	5/20/04	6/25/04 (S)
26	Water Division	Conlin	Map: Lot Layout & Water Main Diagram	5/20/04	5/26/04
27	Water Division	Conlin	Map: Supplement	5/20/04	5/26/04
28	Water Division	Evans	Frank Walter Letter (4/26/00)	5/20/04	5/25/04
29	Water Division	Evans	Deane Letter (8/21/95)	5/20/04	Reserve
30	Water Division		Cash Journal Update; WITHDRAWN: Now appears at Ex. 116, p. JD60	5/20/04	Withdrawn 8/19/04
31	Water Division		Att 2: Manager Salary Update; WITHDRAWN: Now appears at Ex. 116, p. AD01	5/20/04	Withdrawn 8/19/04

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				IDENTIFIED	RECEIVED
32	Water Division		Att 3: Cash Disbursement Update; WITHDRAWN: Now appears at Ex. 116, p. JD 78	5/20/04	Withdrawn 8/19/04
33	Water Division		Flow Chart; WITHDRAWN: Now appears at Ex. 116, p. JD02	5/20/04	Withdrawn 8/19/04
34	Water Division		Repayment Schedule	5/20/04	9/2/04
35	Water Division		DWR Clams Form #1; WITHDRAWN: Now appears at Ex. 116, p. JD112	5/20/04	Withdrawn 8/19/04
36	Water Division		DWR Claims Form #1-16; WITHDRAWN: Now appears at Ex. 116, p. JD112	5/20/04	Withdrawn 8/19/04
37	Water Division		Flow Chart (5/18/04; WITHDRAWN: Now appears at Ex. 116, p. JD84	5/20/04	Withdrawn 8/19/04
38	Water Division		Labor Invoices re Claims Forms; WITHDRAWN: Now appears at Ex. 116, p. JD 128-132	5/20/04	Withdrawn 8/19/04

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Ex No.	PARTY OFFERING	WITNESS	DESCRIPTION	DATE	
				IDENTIFIED	RECEIVED
39	Water Division	Evans	Carlucci Letter (3/4/03)	5/20/04	5/25/04
40	Water Division	Official Notice	D.83-05-052	5/20/04	5/25/04 (S)
41	Water Division	Partial Stipulation	DHS Report (10/28/04) Admitted by stipulation only as to 10/28/03 document)	5/20/04	5/25/04 (PS)
42	Water Division		SPOA Board of Directors (5/3/98)	5/20/04	6/25/04
43	Water Division	Stipulation	Kerrie Evans E-mail (12/20/02)	5/20/04	5/25/04 (S)
44	Water Division	Evans	Letter to Conlin-Strawberry (7/8/98)	5/20/04	6/24/04 (S)
45	Water Division	Evans	Olson Letter (nd)	5/20/04	5/25/04
46	Water Division	Official Notice	D.86-11-004	5/20/04	5/25/04 (S)
47	Water Division	Official Notice	Resolution W-3827	5/20/04	5/25/04 (S)
48	Water Division	Official Notice	D.97-10-032	5/20/04	5/25/04 (S)
49	Water Division	Official Notice	Resolution W-4144	5/20/04	5/25/04 (S)
50	Water Division	Official Notice	D.99-11-044	5/20/05	5/25/04 (S)

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EX No.	PARTY OFFERING	WITNESS	DESCRIPTION	DATE	
				IDENTIFIED	RECEIVED
51	Water Division	Official Notice	Resolution W-4187	5/20/04	5/25/04 (S)
52	Water Division	Official Notice	D.00-03-023	5/20/04	5/25/04 (S)
53	Water Division	Official Notice	Resolution W-4207	5/20/04	5/25/04 (S)
54	Water Division	Official Notice	D.00-11-043	5/20/04	5/25/04 (S)
55	Water Division		Additional Postcards	5/25/04	Not admitted
56	Water Division	Official Notice	GO 103	5/25/04	5/25/04
57	Water Division	Conlin	Conlin Deposition	5/26/04	5/26/04 (S)
58	Water Division	Conlin	Pingree Deposition	5/26/04	5/26/04 (S)
59	Water Division	Evans	Evans Prepared Testimony (3/5/04)	5/26/04	6/24/04 (S)
60	Water Division	Conlin	DWR Contract	5/26/04	5/26/04 (S)
61	Water Division	Conlin	Memorandum of Understanding (5/1/98)	5/26/04	6/24/04 (S)
62	Water Division	Stipulation	Inchauspe Letter re Pingree Deposition	5/26/04	5/26/04 (S)
63	Water Division	Stipulation	Inchauspe Letter re Conlin Deposition	5/26/04	5/26/04 (S)



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**Proceeding No. I.03-10-038**  
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Ex No.	PARTY OFFERING	WITNESS	DESCRIPTION	DATE	
				IDENTIFIED	RECEIVED
64	Water Division	Official Notice	Resolution W-3445	5/26/04	5/26/04 (S)
65	WITHDRAWN				Withdrawn
66	Water Division	Official Notice	Resolution W-4144	5/26/04	6/24/04 (S)
67	Water Division	Evans	Guidelines for . . . Engineering Report	5/27/04	Not admitted 6/24/04
68	Water Division	Evans	2000 Annual Report	5/27/04	6/24/04 (S)
69	Water Division	Evans	1994 Annual Report	5/27/04	6/24/04 (S)
70	Water Division	Official Notice	D.66037	5/27/04	6/24/04 (S)
71	Water Division	Evans	Photo of tank	5/27/04	6/24/04 (S)
72	Water Division	Evans	Photo of tank	5/27/04	6/24/04 (S)
73	Water Division	Evans	Photo of tank	5/27/04	6/24/04 (S)
74	Water Division	Evans	Photo of tank	5/27/04	6/24/04 (S)
75	Water Division		Audit Report (9/4/97)	6/24/04	9/2/04
76	Water Division		Cash Disbursement Journal	6/24/04	Withdrawn

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**Proceeding No. I.03-10-038**  
**Inclusive Dates: 5/11/04 to 5/24/05**  
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Ex No.	PARTY OFFERING	WITNESS	DESCRIPTION	DATE	
				IDENTIFIED	RECEIVED
					9/2/04
77	Water Division		El Capitan National Bank document; WITHDRAWN: Now appears at Ex. 116, pp. JD 61-72	6/24/04	Withdrawn 8/19/04
78	Water Division		Cancelled checks SDWBA; WITHDRAWN: Now appears at Ex. 116, pp. JD86-110	6/24/04	Withdrawn 8/19/04
79	Water Division		Correction to Att. 2 to Chow Audit Report Report (part of Ex. No. 21), p. 55; WITHDRAWN: Now appears at Ex. 116, p. AD01	6/24/04	Withdrawn 8/19/04
80	Water Division		Flow Chart 1; WITHDRAWN: Now appears at Ex. 116, p. JD02	6/24/04	Withdrawn 8/19/04
81	Water Division		Flow Chart of SDWBA funds; WITHDRAWN: Now appears at Ex. 116, p. JD84	6/24/04	Withdrawn 8/19/04

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**Proceeding No. I.03-10-038**  
**Inclusive Dates: 5/11/04 to 5/24/05**  
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Ex No.	PARTY OFFERING	WITNESS	DESCRIPTION	DATE	
				IDENTIFIED	RECEIVED
82	Water Division		Trust Account Loan Payments; WITHDRAWN: Now appears at Ex. 116, p. JD73	6/24/04	Withdrawn 8/19/04
83	Water Division		Newspaper article	6/24/04	Not admitted 8/19/04
84	Water Division		Standard Practice U-3-SM	6/24/04	6/24/04
85	Water Division		Informal Change Work Papers	6/24/04	6/24/04
86	Water Division		Staff Report on ALJ Ruling	6/24/04	8/19/04
87	Water Division		CPUC Letter (Curry) to Conlin (8/2/01)	6/24/04	6/24/04
88	Water Division		Transcript excerpt, Carlucci testimony	6/24/04	Not admitted 8/19/04
89	Water Division		Transcript excerpt, Lodi testimony	6/24/04	Not admitted 8/19/04
90	Water Division		Chronology and disposition of advice letters	6/24/04	6/24/04 (S)
91	Water Division		Ed Lodi's photos	6/24/04	6/24/04 (S)

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Ex No.	PARTY OFFERING	WITNESS	DESCRIPTION	DATE	
				IDENTIFIED	RECEIVED
92	Water Division		Letter from Gibbons to Evans	6/24/04	Reserve
93	Water Division		Declaration of Ed Lodi	6/24/04	6/24/04 (S)
94	Water Division		Declaration of Frank Helm	6/24/04	6/24/04 (S)
95	Water Division		Helm's photos	6/24/04	6/25/04
96	Water Division		Evelyn Olson's deposition (4/16/04)	6/24/04	8/19/04
97	Water Division		Olson deposition correction sheet	6/24/04	8/19/04
98	Water Division		Transcript, informal proceeding before Judge Walker	6/24/04	8/19/04
99	Water Division		Declaration of Frank Kelley	6/25/04	6/25/04
100	Water Division		Email from Kelley to C. Lee; ADMITTED ONLY AS TO CONDITION OF SYSTEM	6/25/04	8/19/04
101	Water Division	Chow	Comprehensive Financial Report; WITHDRAWN: Now appears at Ex. 116	7/6/04	Withdrawn 8/19/04

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Ex No.	PARTY OFFERING	WITNESS	DESCRIPTION	DATE	
				IDENTIFIED	RECEIVED
102	Water Division	Chow	Bank Account Numbers; WITHDRAWN: Now appears at Ex. 116, p. AD48	7/6/04	Withdrawn 8/19/04
103	Water Division		Letter from Rugg to Thorson, 7/5/04; ADMITTED ONLY AS TO CURRENT SYSTEM CONDITION	7/6/04	8/19/04
104	Water Division	Chow	Bank Statement 6/30/98	7/6/04	8/19/04
105	Water Division	Chow	Flow Chart SDWBA Funds; WITHDRAWN: Now appears at Ex. 116, p. JD84	7/6/04	Withdrawn 8/19/04
106	Water Division	Chow	Corrections to Ex. 101, 48 pp.; WITHDRAWN: Now appears at Ex. 116	7/14/04	Withdrawn 8/19/04
107	Water Division	Chow	Standard Practice U-9-SM	7/14/04	8/19/04
108	Water Division	Chow	August 11, 1997, Report	7/14/04	8/19/04
109	Water Division	Curry	Letter 11/19/96	7/14/04	8/19/04
110	Water Division	Curry	Letter 3/28/97	7/14/04	8/19/04

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Ex No.	PARTY OFFERING	WITNESS	DESCRIPTION	DATE	
				IDENTIFIED	RECEIVED
111	Water Division	Curry	Letter 10/28/96	7/14/04	8/19/04
112	Water Division		DHS Report 6/9/04	7/14/04	8/19/04 (S)
113	Water Division		Ex. 1: List of Strawberry Property Owners' Ass'n Members (update)	8/19/04	Not admitted 8/19/04 (to be filed in correspond file)
114	Water Division		Additional Postcards	8/19/04	Not admitted 8/19/04 (to be filed in correspond file)
115	Water Division	Helm	Photographs	8/19/04	8/19/04
116	Water Division	Chow	Chow report (updated & consolidated)	8/19/04	9/2/04
117	Water Division	Chow	Checks issued to Conlin	8/19/04	Not admitted 9/2/04
118	Water Division	Chow	Summary of checks issued to Conlin	8/19/04	Not admitted 9/2/04

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Ex No.	PARTY OFFERING	WITNESS	DESCRIPTION	DATE	
				IDENTIFIED	RECEIVED
119	Water Division	Official Notice	D.85-04-076 (Uniform System of Accounts)	9/2/04	9/2/04
120	Water Division	Chow	Oversize chart of Uniform System of Accounts	9/2/04	9/2/04
121	Water Division	Official Notice	D.09-00-043	9/2/04	9/2/04
122	Water Division	Chow	Small version of chart	9/2/04	9/2/04
123	Official Notice	Official Notice	DHS Notice of Violations, Jan. 28, 2005	3/15/05	3/15/05
500	Respondent	Conlin	Danny Conlin Prepared Testimony	5/26/04	5/26/04
501	Respondent	Conlin	Contract between DWR & Conlin-Strawberry	5/20/04	Withdrawn 9/2/04
502	Respondent	Conlin	Fiscal Services Agreement	5/20/04	5/26/04
503	Respondent	Conlin	WD's Data Response re Customer Complaints and DHS correspondence	5/20/04	5/26/04
504	Respondent	Conlin	Kerrie Evans' Declaration, 1/5/2004	5/20/04	5/25/04 (S)

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**Proceeding No. I.03-10-038**  
**Inclusive Dates: 5/11/04 to 5/24/05**  
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Ex No.	PARTY OFFERING	WITNESS	DESCRIPTION	DATE	
				IDENTIFIED	RECEIVED
505	Respondent	Official Notice	ALJ Ruling Setting Hearing for 8/23/2000	5/20/04	5/25/04 (S)
506	Respondent	Official Notice	ALJ Ruling on General Rate Case	5/20/04	6/25/04
507	Respondent	Official Notice	Resolution No. W-4207	5/11/04	5/11/04
508	Respondent	Official Notice	Resolution No. W-4144	5/11/04	5/11/04
509	Respondent	Official Notice	D.83-05-052	5/11/04	5/11/04
510	Respondent	Official Notice	CPUC Public Agenda #3048	7/6/04	7/6/04
511	Respondent	Pingree	Declaration of James Pingree	5/24/05	5/24/05
					(S)= stipulated (PS) = partially stipulated

**(END OF ATTACHMENT A)**



**CERTIFICATE OF SERVICE**

I certify that I have by mail, and by electronic mail to the parties for whom an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Reopening Record, Granting Respondent's Motion in Part, and Lodging Amended Final Exhibit Index on all parties of record in this proceeding or their attorneys of record.

Dated May 26, 2005, at San Francisco, California.

/s/ KE HUANG

Ke Huang

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.